

Attachment B

Project Restorative Durham-Based Business Plan

Pursuant to that certain Contract between the City of Durham, a North Carolina municipal corporation (the “City”) and Project Restorative, organized and existing under the laws of Delaware (hereinafter referred to as “Business”), regarding incentives for job creation, effective as of _____ 2016 (the “Contract”), the Business has agreed to create certain jobs in the City (the “Project”). Defined terms used but not defined herein shall have the meanings ascribed thereto as provided in the Contract.

Purpose/Goals

The purpose of this Durham-Based Business Plan (this “Plan”) is to encourage the use of qualified Durham-based firms in connection with the Project. Durham-based firms that may not have otherwise received consideration due to lack of exposure to the larger business community may have the opportunity to become involved in this Project as a result of this Plan.

Administration

This Plan shall be administered by the Business and the City and shall be fully effective until Completion Date (as defined in the Contract), including any extensions or modifications. The Plan will implement the following guidelines and activities:

A. Durham-Based Firm Identification Resources. The Business agrees to undertake the following:

- 1. Prior to the execution of the Contract, meet with the Director of the Office of Economic and Workforce Development or appropriate staff to establish project goals.**

The Business and the City, through the Director of the Office of Economic and Workforce Development or such other authorized employee of the City, will meet and mutually set specific goal(s) under the Plan for the Project (the “Goals”). The Goals for this Project shall be those set forth in Section C of this Plan.

- 2. Use the City’s database.**

The Business will review the list of Durham-based firms that are supplied by the City for those qualified and available to work on the Project.

- 3. Use of local organizations.**

In the event a review of the City's database does not identify any Durham-based firms eligible to work on the Project, the Business agrees to request from one or more of the offices listed below, as the Business determines, the identity of any qualified Durham-based firms for work on the Project:

- Durham Business & Professional Chain
- NC Institute of Minority Economic Development, Inc. contractors and vendor listing
- RDU International Airport Authority Minority Database
- Small Business Administration (SBA) Minority Database
- North Carolina Department of Transportation (NCDOT) Database

B. Outreach. The Business will solicit interest by qualified Durham-based firms for the Project utilizing the following:

1. Provision of written notice to qualified Durham-based firms with the list supplied in the City database that could perform the work to be subcontracted.

The Business will send invitations to bid to qualified Durham-based firms, as determined by the Business, in the City SDBE database expressing the desire to receive a proposal from such qualified Durham-based firms for scope of work in their respective areas of expertise. The Business will provide to the City a complete listing of all qualified firms that received invitations to bid on the Project. The Business will maintain documentation on any written requests made to SDBE firms in regards to solicitation of work on the Project.

2. Timelines of notice to permit sufficient time for response of Durham-based firms.

In the event the Business is able to provide the City with notice of upcoming projects, the Business agrees to permit the City to notify Durham-based firms of those upcoming projects. These notifications may include a brief description of the project, potential subcontracting opportunities and anticipated solicitation dates. Some of the specific efforts the City may employ for notifying small business firms include, but are not limited to, direct notification through phone calls or written notification through fax or email, and advertisements in local and statewide minority newspapers.

3. Pre-bid Meetings with qualified Durham-based firms.

As commercially reasonable, the Business will host pre-bid meetings and invite qualified Durham-based firms to attend. The Business will provide, when commercially reasonable and practicable, qualified Durham-based firms at least two weeks to submit bids related to the Project.

C. Procurement & Recruitment

With the understanding that firms must meet qualification requirements and that the Business, its contractors and sub-contractors will have the intent and make commercially reasonable efforts toward ensuring equal contracting opportunities for qualified Durham-based firms, the following contracting goal will be established for the Project:

- An aggregate of \$31,700,000.00 of capital expenditures will be completed or performed
- The proposed goals for the project are 25% of contracting value to qualified Durham-Based firms, including qualified Durham-based Small Disadvantaged Business Enterprises, as defined by City Code 1982, § 26-3; Ord. No. 12793, § 1, 5-8-2003.

The aforementioned goal will be established for work including, but not limited to the following construction trades, professional services, vendor and supplier, and non-professional services:

- Asphalt work
- Site utilities
- Flooring
- Painting
- Cable/Fiber installation
- Case work
- Saw cutting
- Landscaping
- Concrete
- Doors & framing
- Hardware
- Miscellaneous metals and steel erection
- Equipment installation and maintenance
- Building maintenance and janitorial
- Signage and printing
- Food service and vending
- Security services and monitoring

The Business will employ the following efforts in order to recruit businesses:

- 1. Distribute lists of qualified Durham-based firms, as determined by the Business, to prime bidders at the pre-bid meeting.**

The Business will document any correspondence and information related to qualified Durham-based firms that has been provided to prime bidders. The Business will maintain

a visitor sign-in log at the local office of the Construction Manager for all prime bidders and qualified Durham-based firms who attend meetings related to the Project.

D. Technical Assistance

The Business will provide technical assistance to qualified Durham-based firms to aid them in the preparation of prequalification statements and proposals by:

- 1. Provide construction schedules with the bid packages to allow qualified Durham-based firms to better understand their general conditions.**
- 2. Offer referral assistance to qualified Durham-based firms by providing them with a list, when available of vendors, service providers, and/or prime contractors.**
- 3. Provide assistance with prequalification forms.**

The Business will provide commercially reasonable assistance to qualified Durham-based firms with prequalification forms.

E. Other Purchases

The Business will involve qualified Durham-based firms in the Project through:

- 1. Allowing qualified Durham-based firms to bid on the professional services, vendor and supplier and non-professional services aspects of the Project to the extent that such qualified Durham-based firms are able, in addition to the construction aspects of the Project.**

F. Monitoring and Reporting

The Business will document this Plan's actual accomplishments by:

- 1. Analyzing majority trade contractors' bidding records to assure a commercially reasonable effort. To the extent reasonably requested in writing by the City, the Business will provide a letter certifying as to compliance of these actions within 30 calendar days of receipt of such written request.**
- 2. Providing quarterly reporting. Reports shall be submitted by the 15th day of the month following the close of each quarter (January, April, July and October) and shall include a list of any Durham-based firms participating in the Project during the prior quarter, the category of each Durham-based firm, a description of the work completed by such**

Durham-based firm during the prior quarter and the amount paid to each Durham-based firm in the prior quarter.

3. Preparing and presenting a final report on the recruitment of Durham-based firms to work on the project.

Following the completion of the Project, the Business will compile all quarterly reports previously provided to the City into one comprehensive Project Report and will deliver this to the City within 120 days following the completion of the Project.